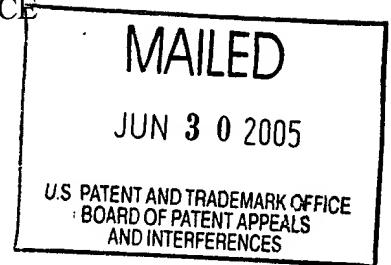


The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES



*Ex parte* ROBERT C.U. YU,  
ANTHONY M. HORGAN, SATCHIDANAND MISHRA,  
DONALD C. VON HOENE, BING R. HSIEH, EDWARD F. GRABOWSKI,  
RICHARD L. POST and KATHLEEN M. CARMICHAEL

Appeal No. 2005-1144  
Application 09/683,329

ON BRIEF

Before GARRIS, WARREN and WALTZ, *Administrative Patent Judges*.

WARREN, *Administrative Patent Judge*.

*REMAND TO THE EXAMINER*

We remand the application to the examiner for consideration and explanation of issues raised by the record. 37 CFR §1.41.50(a)(1) (effective September 13, 2004); Manual of Patent Examining Procedure (MPEP) § 1211 (8th ed., Rev. 2, May 2004; 1200-29 – 1200-30).

Appellants filed a reply brief on February 15, 2005. In the communication mailed March 1, 2005, the examiner states only that “[i]t is noted that the Reply Brief filed on 2/15/2005 has been received.”

37 CFR § 41.43(a)(1) (effective September 13, 2004) provides in pertinent part:

After receipt of a reply brief in compliance with § 41.41, the primary examiner must acknowledge receipt and entry of the reply brief.

*Cf.* MPEP § 1208.03 (8th ed., Rev. 1, Feb 2003; 1200-26 – 1200-27).


It is unclear whether the reply brief has been entered and thus is part of the record before us, and accordingly, the examiner is required to clarify the record and take any other action deemed appropriate consistent with current examining practice and procedure according to 37 CFR § 41.43.

We hereby remand this application to the examiner, via the Office of a Director of the Technology Center, for appropriate action in view of the above comments.

This application, by virtue of its “special” status, requires immediate action. *See* MPEP § 708.01(D) (8th ed., Rev. 2, May 2004; 700-127). It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal in this case. *See, e.g.,* MPEP§ 1211 (8th ed., Rev. 2, May 2004; 1200-30).

Remanded

  
BRADLEY R. GARRIS  
Administrative Patent Judge

  
CHARLES F. WARREN  
Administrative Patent Judge

Thomas A. Waltz )  
THOMAS A. WALTZ )  
Administrative Patent Judge )

# BOARD OF PATENT APPEALS AND INTERFERENCES

Appeal No. 2005-1144  
Application 09/683,329

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